

Remarks

Responsive to the Office Action of September 27, 2006, the Applicants wish to elect the claims relating to the species of Figure 2 (claims 1 to 6, 9 to 11 and 14 to 21) with traverse under 37 CFR 1.143.

Applicants make this election without prejudice to filing a divisional application if a generic allowable claim is not found.

The Applicants submit the species of Figure 2 is readable on claims 1 to 6, 9 to 11 and 14 to 21. However, the Applicants believe that the species of Figure 2, Figure 3, Figure 4, and Figure 5 relate to a common inventive concept, and should be considered as relating to the same invention. Specifically, all of the alleged species of Figures 2, 3, 4 and 5 relate to a plurality of channels or coil tubes as defined in claim 1. Because the claims relating to other species, such as claims 7 to 8 and 12 to 13 are dependent on claim 1, they necessarily include the limitations of the generic claim 1 and therefore the Applicants believe that the species of each of Figures 2, 3, 4 and 5 relate to a common inventive concept.

Since the Examiner has already indicated that claims 1 to 4, 9 to 11 and 14 to 20 are generic, Applicants believe to be entitled to consideration of the claims to the additional species since they depend from or otherwise require all of the limitations of at least one of these generic claims.

Claims 1, 3 to 7, 9 to 12, and 14 to 19 are being amended to replace the term "coil tubes" with the term "channels". Support for this amendment can be found in paragraph 28 of the application as originally filed which states:

[0028]The term "tube" or "coil tube" as used herein represents any stationary tube, pipe or channel, of any material that can be used to transport liquid. The present invention is not limited to pipes that are cylindrical in shape, as pipes of any cross-section may be used.

In view of the fact that there is explicit support for this amendment, entry of the amendment and examination of the amended claims is respectfully requested.

Claim 21 is being added in order to cover the scenario where at least some of the plurality of channels are provided as a plurality of coil tubes, and new claim 22 covers the scenario wherein the plurality of channels are provided as a plurality of coil tubes (formerly in claim 1). Again, support for these amendments is found, for example in paragraph 28 of the application as originally filed.

It is submitted that this application is in condition for substantive examination. Early and favourable consideration is respectfully requested.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

VAN DECKER, Gerald et al

By: /Curtis B. Behmann/
Curtis B. Behmann
Reg. No. 52,523
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
Fax: (613) 787-3558
E-mail: ipinfo@blgcanada.com

CBB/dbm